

2013 Assembly Bill 676 (LRB -3029)

An Act to create 48.981 (7) (cp) of the statutes; relating to: prohibiting the disclosure of a determination that a person has abused or neglected a child for purposes of a caregiver background check when that abuse or neglect has not been substantiated.

2014

01-27.	A.	Introduced by Representatives Krug, Skowronski, Kahl, Bies and Kleefisch ; cosponsored by Senator Olsen.	559
01-27.	A.	Read first time and referred to Committee on Children and Families	560
01-29.	A.	Public hearing held	
02-05.	A.	Executive action taken	
02-07.	A.	Report passage recommended by Committee on Children and Families, Ayes 10, Noes 1	588
02-07.	A.	Referred to Committee on Rules	588
02-11.	A.	Placed on calendar 2-13-2014 by Committee on Rules	
02-13.	A.	Rules suspended to withdraw from calendar and take up	633
02-13.	A.	Read a second time	633
02-13.	A.	Ordered to a third reading	633
02-13.	A.	Rules suspended	633
02-13.	A.	Read a third time and passed	633
02-13.	A.	Ordered immediately messaged	633
02-14.	S.	Received from Assembly	671
02-17.	S.	Read first time and referred to committee on Health and Human Services	677
02-19.	S.	Public hearing held	
03-05.	S.	Executive action taken	
03-05.	S.	Report concurrence recommended by Committee on Health and Human Services, Ayes 5, Noes 0	735
03-05.	S.	Available for scheduling	
03-14.	S.	Placed on calendar 3-18-2014 pursuant to Senate Rule 18(1)	779
03-18.	S.	Read a second time	
03-18.	S.	Ordered to a third reading	
03-18.	S.	Rules suspended	
03-18.	S.	Read a third time and concurred in	
03-18.	S.	Ordered immediately messaged	
03-18.	A.	Received from Senate concurred in	

2013

ENROLLED BILL

13en A B- 676

ADOPTED DOCUMENTS:

☒ Orig ☐ Engr SubAmdt

13-3029, 4

Amendments to above (if none, write "NONE"): None

Corrections - show date (if none, write "NONE"): None

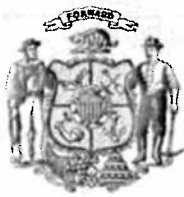
Topic Rel

3-20-14

Date

JR Miller

Enrolling Drafter



2013 ASSEMBLY BILL 676

January 27, 2014 – Introduced by Representatives KRUG, SKOWRONSKI, KAHL, BIES and KLEEFISCH, cosponsored by Senator OLSEN. Referred to Committee on Children and Families.

- 1 **AN ACT** *to create* 48.981 (7) (cp) of the statutes; **relating to:** prohibiting the
2 disclosure of a determination that a person has abused or neglected a child for
3 purposes of a caregiver background check when that abuse or neglect has not
4 been substantiated.

Analysis by the Legislative Reference Bureau

Under current law, child abuse and neglect reports and records are confidential and may be disclosed only to certain persons or for certain purposes specified in current law, including for purposes of a caregiver background check.

The federal Child Abuse Prevention and Treatment Act (CAPTA), however, includes as an eligibility requirement for receipt of a grant under that act that a state has in effect provisions requiring the prompt expungement, for purposes of employment or other background checks, of records that relate to child abuse or neglect cases determined to be unsubstantiated or false.

This bill conforms state law to CAPTA by: 1) permitting a determination made before January 1, 2015, that a person has abused or neglected a child to be disclosed for purposes of a caregiver background check only if that determination has not been reversed or modified on appeal; and 2) permitting such a determination made on or after January 1, 2015, to be disclosed for those purposes only if that determination is a final agency determination that the person has abused or neglected the child or, if a contested case hearing is held on such a determination, is a final administrative or judicial decision that the person has abused or neglected the child. The bill also

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provides that nothing in the bill prevents the disclosure of a child abuse or neglect report or record as otherwise permitted under current law.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 48.981 (7) (cp) of the statutes is created to read:

2 48.981 (7) (cp) Notwithstanding par. (a), an agency may disclose a
3 determination made before January 1, 2015, that a person has abused or neglected
4 a child for purposes of a background check under s. 48.685 or 50.065 only if that
5 determination has not been reversed or modified on appeal and may disclose such
6 a determination made on or after January 1, 2015, for those purposes only as
7 provided in sub. (3) (c) 5r. Nothing in this paragraph prevents the disclosure of a
8 report or record as otherwise permitted under this subsection.

9 **(END)**